

REMARKS

Claims 1-22 and 39-40 are now pending in this application. No claims were newly amended, added or cancelled. No new matter was added.

Claims 1, 7-11, 14, 19-21 and 39-40 have been rejected under § 103(a) as being unpatentable over Laskaris '371 in view of Kim '794. Dependent claims 2-4, 12-13, 15-17 and 22 have been rejected over Laskaris '371 in view of Kim '794 and further in view of Ohsaki. Dependent claims 5-6 have been rejected over Laskaris '371 in view of Kim '794 and further in view of Braun. Dependent claim 40 has been rejected over Laskaris '371 in view of Kim '794 and further in view of Aoki '827. These rejections are respectfully traversed.

Kim '794 has an earliest prior art date under §102(e)/103(a) of October 30, 2000. Applicants concurrently submit a Rule 131 Declaration. The Declaration establishes an actual reduction to practice date of the claimed invention prior to October 30, 2000.

The Declaration establishes that Applicants possessed the whole invention claimed and/or something falling within claim 1, before the effective prior art date of Kim '794, as required by MPEP § 715.02. Applicants believe that the device reduced to practice within the scope of claim 1 sufficiently demonstrates that Applicants reduced to practice "the whole invention claimed or something falling within claim 1" as required by MPEP § 715.02.

Thus, Applicants believe that the Declaration is sufficient to remove Kim '794 as prior art under §§ 102(e)/103(a). Since Kim '794 is no longer prior art with respect to the present application, Applicants respectfully submit that the rejection of claim 1 over Laskaris and Kim '794 should be withdrawn.

Applicants believe that the present application is now in condition for allowance. Favorable consideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

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The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.